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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/051,200
Filing Date: January 17, 2002
Appellant(s): GARELLI, STEPHEN T.

Robert L. McKellar

For Appellant

**Revised
EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/27/05 appealing from the Office action mailed 7/26/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|---------|--------|--------|
| 4541795 | Cole | 9-1985 |
| 5786079 | Alieri | 7-1998 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US 4,541,795) in view of Alieri (US 5,786,079).

(10) Response to Argument

The Appellants have argued that the Examiner is incorrect in his interpretation of the cited references and what they teach to one skilled in the art, that Cole does not teach inflation of a solid molded product, and that Alieri deals with the use of compressed air to remove plastic caps from a mold. The Appellants further argues the word "inflates" and that Alieri does not remove the cap in this context and rather just delivers compressed air to aid in loosening the cap prior to eventual removal via mechanical removal. The Appellants also state that 'Alieri does not teach or suggest

Art Unit: 1722

that the removal of solid products by forcing them over core molds through small openings using compressed air'.

In response to the first argument concerning Cole, Cole teaches the use of the mold segments, the moveable core, and the use of air for ejection. While Cole does not teach the inflation of the product, it does utilize many of the features and both Cole and Alieri are relevant prior art references since both are injection molding machines that utilizes gas to aid in ejection and *Cole does teach the use of the application of air to aid in the removal*. The rejection is based upon Cole in view of Alieri and one skilled in the art would recognize the features taught by Alieri and combine it with Cole. Therefore, the argument by the appellants that Cole does not teach inflation of the product fails to take into consideration that the rejection is of Cole in view of Alieri.

In regards to Alieri, the appellants argue the term 'inflates' that is used by Alieri. Examiner disagrees *since Alieri clearly states that the air inflates the cap and this is further shown that the cap partially spaces the thread C from the portion*, that cap has no capability to hold air does not hinder that the shape of the cap is distorted via an expansion, whatever the dimension, from the application compressed air. The claimed method merely states that injected gas is applied to inflate the molded product until the product is released from the core, it does not preclude the use of any other means for aiding in the removal of the product.

In regards to the Appellant's statement on page 5 of their appeal brief, 'Alieri does not teach or suggest that the removal of solid products by forcing them over core molds through small openings using compressed air'. The Appellants are saying that

Art Unit: 1722

the product are forced over the core molds through small openings that are part of the product itself since it has to be inflated such that the opening allows for the core mold to pass through. *This feature argued by the appellants is not in the claim* and if it was, Alieri does teach the inflation of the cap such that the cap is spaces the thread from the portion, something similar in providing extra room such that the product can be removed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Emmanuel S. Luk



Conferees:

Michael Colaianni

